

**Regular Meeting of the Roswell City Council
Held in the Bassett Auditorium at the Roswell Museum and Arts Center**

Thursday, January 14, 2016 at 6:01 p.m.

The meeting convened with Mayor Kintigh presiding and Councilors Grant, Denny, Henderson, Perry, Oropesa, Velasquez, Sanchez and Best being present with Councilors Mackey and Sandoval being absent. Councilor Velasquez led in Prayer and Councilor Denny led in the Pledge of Allegiance.

Notice of this meeting was given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 15-56.

Councilor Sanchez invited the public to a Martin Luther King Jr. rally for Monday, January 18, 2016. The rally will begin at 12:00 p.m. at the court house. Activities include guest speakers, a walk from the court house to Alameda, and hamburgers and hot dogs to feed the public.

Councilor Perry moved to approve the agenda for the January 14, 2016 regular City Council meeting to include the following: Consent Items: Bids and RFP's, RIAC Leases, Resolution 16-01 – Weeds, Resolution 16-02 – Condemnations, Lodgers' Tax Request and Minutes from the December 10, 2015 regular City Council meeting; Public Hearings: Proposed Ordinance 15-20 – To amend section 6-21 and 6-31 of the Plumbing and Mechanical Code, Proposed Ordinance 15-21 – To amend section 4-62 Animal Welfare, Proposed Ordinance 15-22 – To provide a lien for occupancy taxes on the personal and real property of vendors providing lodging facilities and Proposed Ordinance 15-25 – Approving a project, accepting an agreement and accepting from the NM Economic Development department \$75,000 to support the construction of Rich Glo Products; New Business/Regular Items: Resolution 16-03 – Budget amendment for the Eastern New Mexico State Fair in the amount of \$42,750.00, Resolution 16-04 – Declaring a disaster resulting from the 2015 severe winter storm, Resolution 16-05 – Budget amendment for the Convention Center Fee, Resolution 16-06 – Authorize staff to submit a grant application to the New Mexico Finance Authority to assist in funding an Economic Needs Assessment for the Old Municipal Airport, Appointments to the precinct board, Streets list for permitted parking, Roswell Test Facility Lease Extension Agreement, Proposed Ordinance 16-01 – Advertise for a public hearing to adopt a municipal gross receipts tax, Proposed Ordinance 16-02 – Advertise for a public hearing to repeal Ordinance 1295, Proposed Ordinance 16-03 – Advertise for a public hearing to repeal Ordinance 1269, Closed Session and Proposed Ordinance 16-04 – Advertise for a public hearing. Councilor Grant was the second. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

FOR THE RECORD: Councilor Mackey joined the meeting at 6:06 p.m.

NON-ACTION ITEMS

Winter Storm Recap – Ms. Phillips gave a presentation on winter storm Goliath. The storm brought in 15.6 inches of snow, 40-80 mph wind gusts and snow drifts up to 10 feet. City

Departments and Private Contractors worked together during and after Goliath to transport stranded motorists and medical staff, deliver medication and food boxes, salt streets and remove snow from various facilities. There was 784,000 tons of snow moved and 450 tons of salt used on City roads. Partnerships and resources during the storm are the following: Department of Transportation, Game and Fish Division, National Guard, Church on the Move and Harvest Ministries.

Capital Projects Update – Mr. Najar gave a presentation on Capital Outlay projects. Joe Bauman Stadium and Eastside Little League facilities were each awarded \$75,000 for improvements. Youth Challenge was awarded \$2,000,000 for renovations of a dormitory. The State CDBG awarded \$500,000 with \$86,000 in City match, for improvements to the sidewalks on Bland near Mesa Middle School. The Convention Center parking lots' budget of \$1,685,276 is split between City, State and Xcel Franchise Fee funding.

PUBLIC PARTICIPATION ON AGENDA ITEMS

Participants are mentioned on each item.

PUBLIC HEARINGS

Proposed Ordinance 15-20 – To amend section 6-21 and 6-31 of the Plumbing and Mechanical Code. Councilor Perry moved to approve Proposed Ordinance 15-20. Councilor Grant was the second. Mr. Zarr gave a presentation stating if adopted, Proposed Ordinance 15-20 will adopt by reference the 2012 editions of the New Mexico Plumbing Code, the New Mexico Mechanical Code, and the New Mexico Swimming Pool, Spa and Hot Tub Code, along with certain additions that are unique to the City. The City currently utilizes the 2009 editions of these codes.

IN FAVOR: NONE

OPPOSED: NONE

A roll call vote was as follows: Natasha Mackey – yes, Caleb Grant – yes, Tabitha Denny – yes, Steve Henderson – yes, Jason Perry – yes, Juan Oropesa – yes, Elena Velasquez – yes, Savino Sanchez – yes, Jeanine Best – yes. The motion passed with Councilor Sandoval being absent.

Proposed Ordinance 15-21 – To amend section 4-62 Animal Welfare. Councilor Perry moved to approve Proposed Ordinance 15-21. Councilor Denny was the second. Mr. Matthews discussed the proposed ordinance. If adopted, Proposed Ordinance 15-21 will amend section 4-62 to provide the appropriate City official charged with the management of the animal control facility with the discretion to retain a dog or cat beyond the seven day holding period for such time as the official deems reasonable. The following is the amendment to the proposed ordinance: Only the City Manager or his designee will have the discretion to retain any animal (not just dogs or cats) for up to 21 days if the manager or designee deems it to be reasonable. Councilor Perry moved to amend Proposed Ordinance 15-21 by replacing the last sentence of section 4-62 with “The City Manager or the manager’s designee shall have the discretion to retain any animal beyond the seven days for such period of time that the City Manager or designee deems reasonable, but not to exceed 21 days.” Councilor Denny was the second.

IN FAVOR: Kathy Webb and Heather Silva

OPPOSED: NONE

A roll call vote was as follows: Natasha Mackey – yes, Caleb Grant – yes, Tabitha Denny – yes, Steve Henderson – yes, Jason Perry – yes, Juan Oropesa – yes, Elena Velasquez – no, Savino Sanchez – yes, Jeanine Best – yes. The motion passed with Councilor Sandoval being absent.

Mayor Kintigh called for a roll call vote to adopt Proposed Ordinance 15-21 as amended. A roll call vote was as follows: Natasha Mackey – yes, Caleb Grant – yes, Tabitha Denny – yes, Steve Henderson – yes, Jason Perry – yes, Juan Oropesa – yes, Elena Velasquez – no, Savino Sanchez – yes, Jeanine Best – yes. The motion passed with Councilor Sandoval being absent.

Proposed Ordinance 15-22 – To provide a lien for occupancy taxes on the personal and real property of vendors providing lodging facilities. Councilor Perry moved to approve Proposed Ordinance 15-22. Councilor Grant was the second. Mr. Zarr gave a presentation stating if adopted, Proposed Ordinance 15-22 will amend Chapter 23 of the Roswell City Code by adding a new section 23-11 to establish a lien on the personal and real property of lodging facility vendors for the occupancy tax. This lien is authorized by NMSA 1978 §3-38-18.1 and is part of the established statutory structure for the imposition, collection and enforcement of occupancy taxes.

IN FAVOR: NONE

OPPOSED: NONE

A roll call vote was as follows: Natasha Mackey – yes, Caleb Grant – yes, Tabitha Denny – yes, Steve Henderson – yes, Jason Perry – yes, Juan Oropesa – yes, Elena Velasquez – yes, Savino Sanchez – yes, Jeanine Best – yes. The motion passed with Councilor Sandoval being absent.

Proposed Ordinance 15-25 – Approving a project, accepting an agreement and accepting from the NM Economic Development department \$75,000 to support the construction of Rich Glo Products. Councilor Grant moved to approved Proposed Ordinance 15-25. Councilor Perry was the second. Mr. Mulcahy discussed the proposed ordinance. Rich Glo Products, Inc. is an “S” Corporation with National and International sales in the jewelry marketplace.

IN FAVOR: Mark Roper

OPPOSED: NONE

A roll call vote was as follows: Natasha Mackey – yes, Caleb Grant – yes, Tabitha Denny – yes, Steve Henderson – yes, Jason Perry – yes, Juan Oropesa – yes, Elena Velasquez – yes, Savino Sanchez – yes, Jeanine Best – yes. The motion passed with Councilor Sandoval being absent.

CONSENT ITEMS

Bids & RFP’S

Request to approve bid for Capital Project – Chlorination Room.

ITB-16-020 – Request approval of award for bid No. ITB-16-020, CDBG Project, to lowest bidder, Abraham Construction, and approve transfer of funds for the shortfall amount of \$13,371.80.

ITB-16-043 – Request approval of award for bid No. ITB-16-043, North Garden Sewer Line Repair to the lowest bidder, Adame Construction.

ITB-16-044 – Request approval of award for bid No. ITB-16-044, Annual Concrete for Ready Mix to the lowest bidder, Roswell Ready Mix.

RIAC Leases

To authorize Hunt Electric Corporation, a Minnesota Corporation, to renew their current lease agreement on a portion of Building No. 1112B. New rent amount is \$227.00 monthly; \$2,724.00 annually; adjustment is 5.09%. Term: February 1, 2016 through January 31, 2017.

To authorize Eastern New Mexico University-Roswell, to renew their current lease agreement on use of an area of land at the old airport and RIAC. New rent amount is \$167.00 monthly; \$2,004.00 annually; adjustment is 3.09%. Term: February 1, 2016 through January 31, 2017.

To authorize Jon E. Hitchcock, Robert B. Corn, James Patterson, Siavash Karimian, Brandon Arnold and John Berry, as individuals, to renew their current lease agreement on portions of Hangar No. 91, Space A and B, and joint use of the common area. New rent amount is \$1,532.00 monthly; \$18,384.00 annually; adjustment is 2.54%. Term: February 1, 2016 through January 31, 2017.

To authorize Associated Records, Inc., a New Mexico Corporation, to amend their current lease agreement. Tenant has changed their legal name to Information Protection Services, Inc. Associated Records, Inc. leases Building No. 250 grounds and dock areas for the purpose of document storage and shredding; 20,000 square feet; has been a customer since May 2005.

To authorize Dean Baldwin Painting, LP, a Texas Corporation, to amend their current lease agreement to allow for rent abatement. Dean Baldwin Painting, LP requests rent abatement not to exceed \$70,057.32 for replacement of worn components of the building's water treatment facility and the filter press.

Resolution 16-01 – Weeds. Approximately seventeen (17) separate properties within the City.

Resolution 16-02 – Condemnations. Approximately six (6) dilapidated structures within the City.

Lodgers' Tax Request

Request for funding of Lodgers' Tax for the New Mexico Senior Olympics Annual Summer Games in the amount of up \$77,000.00 on a reimbursement basis at 50% of eligible expenses per a contract between the City of Roswell and New Mexico Senior Olympics. The event is scheduled for July 13-16, 2016.

NEW BUSINESS/ REGULAR ITEMS

Resolution 16-03 – Request approval for a Budget amendment for the Eastern New Mexico State Fair in the amount of \$42,750.00. Councilor Grant moved to approve Resolution 16-03. Councilor Perry was the second. Ms. Garcia discussed Resolution 16-03. City Council approved \$54,750 at the August 6th meeting. The approved budget for FY2016 for the event is \$12,000, thus causing a shortfall of \$42,750.00. Approving Resolution 16-03 will adjust the budget accordingly. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

Resolution 16-04 – Request approval of declaring a disaster resulting from the 2015 severe winter storm. Councilor Perry moved to approve Resolution 16-04. Councilor Denny was the second. Ms. Sanders stated the City of Roswell has suffered severe damage caused by a winter storm that began on December 26, 2015. Resolution 16-04 declares the City of Roswell a disaster area for the purpose of exercising emergency powers and requesting disaster relief funding from the State of NM and potentially the Federal Government. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

Resolution 16-05 – Request approval for a budget amendment for the Convention Center fee in the amount of \$500,000. Councilor Grant moved to approve Resolution 16-05. Councilor Perry was the second. Mr. Polasek discussed Resolution 16-05 which suggests consideration of amending the current budget to increase the Convention Center Fee funding for the Convention Center parking lot by \$500,000 and decreasing the Engineering Capital Improvements funding by \$500,000. A voice vote was 8-1 and the motion passed with Councilor Mackey voting no and Councilor Sandoval being absent.

Resolution 16-06 – Request approval to authorize staff to submit a grant application to the New Mexico Finance Authority to assist in funding an Economic Needs Assessment for the Old Municipal Airport. Councilor Grant moved to approve Resolution 16-06. Councilor Denny was the second. Mr. Morris discussed Resolution 16-06 which will authorize staff to submit a grant application to the New Mexico Finance Authority (NMFA) in the amount of \$50,000 with no match, to be used to create a “Needs Assessment” for the Old Municipal Airport (OMA). The intent is to determine the amount of commercial square footage and types of commercial and office uses that can be supported at the OMA. The assessment is an important part of the planning process by helping to determine an appropriate mix of residential and commercial uses that would be included in the OMA master plan. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

Request approval of the appointments to the precinct board for each polling place pursuant to 3-8-19C NMSA 1978. Councilor Perry moved to approve the appointments to the precinct board. Councilor Henderson was the second. Ms. Coll discussed the precinct board and the appointments for each polling location. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

Request approval of the streets list for permitted parking in accordance with City Ordinance 15-05, the permit application, permits and citizen notification flyer. Councilor Best moved to approve the streets list for permitted parking. Councilor Perry was the second. Mr. Najar stated this request is a follow up to City Ordinance 15-05 which is an option to the citizens that live on the designated streets. Councilor Perry moved to amend the streets list for permitted parking to the Roswell High School portion by removing “100 ft. S. to Hobbs” on numbers nine and ten and inserting “1600” on numbers seven, nine and ten. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

Mayor Kintigh called for a voice vote to approve the streets list for permitted parking in accordance with City Ordinance 15-05, the permit application, permits and citizen notification flyer as amended. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

Request approval of the Roswell Test Facility Lease Extension Agreement #LE002. Councilor Best moved to approve the Roswell Test Facility Lease Extension Agreement. Councilor Perry was the second. Mr. Morris stated portions of the Roswell Test Facility, located at 3801 East Second Street, are currently leased to A.O. Smith Corporation for purposes of water testing. The new lease is in the amount of \$8,699.24 per year and allows for one CPI adjustment after the first three years of the lease period. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

Proposed Ordinance 16-01 – Request to advertise for a public hearing to adopt a municipal gross receipts tax. Councilor Grant moved to advertise for a public hearing to adopt Proposed Ordinance 16-01. Councilor Denny was the second. Mr. Polasek stated Proposed Ordinances 16-01, 16-02 and 16-03 are to be considered together. Proposed Ordinance 16-01 will impose a municipal gross receipts tax of one eighth of one percent which will be dedicated to general municipal purposes. This tax will not result in any net increases in the gross receipts tax rates imposed by the City. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

Proposed Ordinance 16-02 – Request to advertise for a public hearing to repeal Ordinance 1295. Councilor Grant moved to advertise for a public hearing to adopt Proposed Ordinance 16-02. Councilor Denny was the second. If adopted Proposed Ordinance 16-02 will repeal Ordinance 1269 which currently imposes a one sixteenth of one percent gross receipts tax, the revenues from which are dedicated to environmental services. This tax has been in effect since January 1, 1996. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

Proposed Ordinance 16-03 – Request to advertise for a public hearing to repeal Ordinance 1269. Councilor Grant moved to advertise for a public hearing to adopt Proposed Ordinance 16-03. Councilor Perry was the second. If adopted, Proposed Ordinance 16-03 will repeal Ordinance 1295 which currently imposes a one sixteenth of one percent gross receipts tax, the revenues from which are dedicated by the City in equal part to enhancing police and fire department

budgets. This tax has been in effect since January 1, 1998. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

CLOSED SESSION

Councilor Perry moved to go into closed session, pursuant to NMSA 1978, 10-15-1(H)(8), to discuss the purchase, acquisition or disposal of Real Property or Water Rights in which the City of Roswell is or may become a participant at RIAC. Councilor Grant was the second. A roll call vote was as follows: Natasha Mackey – yes, Caleb Grant – yes, Tabitha Denny – yes, Steve Henderson – yes, Jason Perry – yes, Juan Oropesa – yes, Elena Velasquez – yes, Savino Sanchez – yes, Jeanine Best – yes. The motion passed with Councilor Sandoval being absent.

The Council went into closed session at 8:15 p.m.

Councilor Perry stated that for the record the Council was back at 8:42 p.m. and they had a closed session pursuant to Section 10-15-1(H)(8) NMSA 1978; to discuss purchase, acquisition or disposal of real property or water rights in which the City of Roswell is or may become a participant; no action was taken and no votes made. A roll call vote was as follows: Natasha Mackey – yes, Caleb Grant – yes, Tabitha Denny – yes, Steve Henderson – yes, Jason Perry – yes, Juan Oropesa – yes, Elena Velasquez – yes, Savino Sanchez – yes, Jeanine Best – yes. The motion passed with Councilor Sandoval being absent.

Proposed Ordinance 16-04 – Request authorization to advertise for a public hearing. Councilor Perry moved to advertise for a public hearing to adopt Proposed Ordinance 16-04. Councilor Mackey was the second. Mr. Polasek stated if adopted, Proposed Ordinance 16-04 would authorize the sale of City owned real property located at the Roswell Industrial Air Center, South Gail Harris Street and East Martin Street and consisting of approximately 8.78 +/- acres. Mr. Mulcahy introduced Ram Kunwar, Hameet Dhillion, and Jessica Kunwar. A voice vote was unanimous and the motion passed with Councilor Sandoval being absent.

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None

ADJOURNMENT

Meeting adjourned at 8:59 p.m.

Approved on this 11th day of February, 2016.

(City Seal)

DENNIS KINTIGH, MAYOR

SHARON COLL, CITY CLERK